

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emilia Mancini	Team: Squad #7	CCRB Case #: 201804208	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/07/2018 5:00 PM	Location of Incident: 84th Precinct Stationhouse	Precinct: 84	18 Mo. SOL 8/7/2019	EO SOL 8/7/2019	
Date/Time CV Reported Tue, 05/29/2018 1:54 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/29/2018 1:54 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Chanta Mabry	09145	947932	084 DET

Officer(s)	Allegation	Investigator Recommendation
A.POF Chanta Mabry	Discourtesy: Police Officer Chanta Mabry spoke discourteously to § 87(2)(b)	
B.POF Chanta Mabry	Abuse: Police Officer Chanta Mabry took a photograph of § 87(2)(b)	

Case Summary

On May 29, 2018, § 87(2)(b) filed this complaint via phone with the CCRB.

On February 7, 2018, at approximately 2:00 p.m., § 87(2)(b) went to the 84th Precinct stationhouse to report herself as a voluntary surrender for a domestic violence incident with her ex-girlfriend, § 87(2)(b). At approximately 5:30 p.m., PO Chanta Mabry took § 87(2)(b) into custody and allegedly told her, “If I know that I’m doing something to another person and that is making the person feel uncomfortable, that is fucking taunting” (**Allegation A: Discourtesy**, § 87(2)(g) and proceeded with the arrest process. Then PO Mabry took a photograph of § 87(2)(b) with a cell phone (**Allegation B: Abuse of Authority**, § 87(2)(g) before taking her arrest photo or mugshot. A spin-off to the Office of the Chief of Department was created under CCRB case #§ 87(2)(b) as a result of § 87(2)(b) complaint regarding the nature of her arrest.

Findings and Recommendations

Allegation A - Discourtesy: Police Officer Chanta Mabry spoke discourteously to § 87(2)(b)

It is undisputed that § 87(2)(b) appeared at the stationhouse with her attorney as a voluntary surrender and was arrested.

In her verified interview, § 87(2)(b) stated that, shortly after her attorney § 87(2)(b) left the stationhouse, PO Mabry arrived and took her to an interrogation room. PO Mabry asked § 87(2)(b) some questions about the incident, but she refused to answer any questions because her attorney was not present. Then, PO Mabry stated, “If I know that I’m doing something to another person and that is making the person feel uncomfortable, that is fucking taunting.” When she made that statement, PO Mabry appeared aggressive and raised her voice [01 Board Review].

PO Mabry stated to the CCRB that she did not recall whether she brought § 87(2)(b) to an interrogation room or whether she interviewed her, but she thought that she might have asked her some questions. PO Mabry did not recall whether § 87(2)(b) left the stationhouse at any point. PO Mabry denied that she told § 87(2)(b) “If I know that I’m doing something to another person and that is making the person feel uncomfortable, that is fucking taunting” or that she used profanity towards § 87(2)(b) [02 Board Review].

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Chanta Mabry took a photograph of § 87(2)(b)

It is undisputed that a photo of § 87(2)(b) was taken at the stationhouse.

In her phone statement, § 87(2)(b) testified that PO Mabry asked § 87(2)(b) to stand up by the wall. PO Mabry then took a photo of § 87(2)(b) [03 Board Review]. In her verified interview, § 87(2)(b) stated that PO Mabry asked her to stand up by the wall of the interrogation room. § 87(2)(b) complied and PO Mabry stood up in front of her, approximately 5 feet away. PO Mabry grabbed a black cell phone in a black case that was attached to her belt.

PO Mabry held the cell phone at her chest height for 5 to 6 seconds. During that time, § 87(2)(b) saw that the flash of the cell phone's camera went off one time, and she heard the camera click one time. § 87(2)(b) did not know how many photos PO Mabry took of her, but she thought that PO Mabry took one photo of her entire body because she of the distance between the two and the way in which PO Mabry seemed to zoom in and out with the cell phone. § 87(2)(b) denied that the photo took by PO Mabry was attached to any NYPD document provided to her [01 Board Review].

PO Mabry stated to the CCRB that an arrest photo and a post-arrest ID photo were taken for § 87(2)(b). PO Mabry did not recall whether she or another officer took any photo of § 87(2)(b). PO Mabry did not recall how many photos of § 87(2)(b) were taken. PO Mabry did not recall if she took a full body photo or a headshot of § 87(2)(b). PO Mabry did not recall what device she used to take one or more photos of § 87(2)(b). PO Mabry testified that she possesses a department-issued cell phone. PO Mabry stated that her department-issued cell phone has a black case. However, PO Mabry denied that she keeps it attached to her waist. PO Mabry denied that she took a photo of § 87(2)(b) using her personal cell phone or any other personal device. PO Mabry did not recall whether she took any photo of § 87(2)(b) with her department-issued cell phone. PO Mabry stated that she showed the post-arrest ID photo to § 87(2)(b) and § 87(2)(b) recognized and confirmed that the individual in the photo was § 87(2)(b). PO Mabry did not recall at what point during the incident, she showed the photo to § 87(2)(b) [02 Board Review].

The DD5 generated by PO Mabry in regards to this incident shows a full body photo of § 87(2)(b) taken with an NYPD phone [04 Board Review]. On the side of the document, it is written "post ID." The document depicts an iPhone text message window with the photo of § 87(2)(b) and below the question "Is this her?" both sent at 16:49. The answer to that question received at 16:53, states, "Yes, that is her." However, the document showed neither the name of the person to whom the messages were sent nor the name of the person who sent the messages.

Operations Order 20: Use of Department Smartphones and Tablets, Section 25(d), authorizes officers to use department smartphones/tablets to photograph or video recording all incidents when members of the service are taking, or attempting to take, an individual into custody (e.g., arrest, etc.) [05 Board Review].

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [06 Board Review]
- PO Mabry has been a member of the NYPD for nine years and has been a subject in two CCRB complaints that were mediated.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation due to § 87(2)(b) arrest.
- As of September 20, 2018, the Office of the New York City Comptroller has no record of a Notice of Claim filed in regards to this incident [07 Board Review].

§
87(2)(b)

§§ 86(1)(3)&(4) § 87(2)(c)

Squad No.: 7

Investigator: _____
Signature Emilia Mancini
Print Title & Name _____
Date

Squad Leader: _____
Signature _____
Print Title & Name _____
Date

Reviewer: _____
Signature _____
Print Title & Name _____
Date